

MINUTES OF ORDINARY MEETING OF CORK CITY COUNCIL
HELD ON MONDAY 11th OCTOBER 2010

- PRESENT** An tArdmhéara Comhairleoir M. O'Connell in the Chair.
- NORTH EAST** Comhairleoirí J. Kelleher, D. Murphy, T. Brosnan, T. Tynan.
- NORTH CENTRAL** Comhairleoirí M. Barry, C. Clancy, P. Gosch, K. O'Flynn, T. Gould.
- NORTH WEST** Comhairleoirí J. O'Brien, T. Fitzgerald.
- SOUTH EAST** Comhairleoirí D. Cahill, L. McGonigle, D. O'Flynn, T. Shannon, C. O'Leary, K. McCarthy, J. Corr.
- SOUTH CENTRAL** Comhairleoirí L. Kingston, E. O'Halloran, S. Martin, M. Finn, F. Kerins.
- SOUTH WEST** Comhairleoirí J. Buttimer, M. Ahern, B. Bermingham, H. Cremin, G. Gibbons.
- ALSO PRESENT** Mr. T. Lucey, City Manager.
Mr. G. O'Beirne, Director of Services, Housing & Community.
Ms. V. O'Sullivan, Director of Services, Recreation Amenity & Culture.
Mr. T. Healy, Head of Finance.
Ms. L. Kidney, Senior Executive Officer, Planning & Development.
Mr. D. O'Mahony, Director of Services, Corporate Affairs.
Mr. P. Moynihan, Meetings Administrator, Corporate Affairs.
Ms. J. Gazely, Senior Staff Officer, Corporate Affairs.

An tArdmhéara recited the opening prayer.

1. **VOTES OF SYMPATHY**

A vote of sympathy was passed unanimously with An Chomhairle standing in silence to:-

- The O'Donovan Family on the death of Pat O'Donovan.
- The Burke Family on the death of Norah Burke.
- The O'Sullivan Family on the death of Tim O'Sullivan.
- The Nolan Family on the death of Jerry Nolan.
- The Larmour Family on the death of Leslie Larmour.
- The O'Driscoll Family on the death of Mrs. O'Driscoll.
- The O'Callaghan Family on the death of Michael O'Callaghan.
- The Rigney Family on the death of Mabel Rigney.

1.2 **LORD MAYORS ITEMS**

On the proposal of An tArdmhéara Comhairleoir M. O'Connell, An Chomhairle unanimously agreed that a Special Meeting of An Chomhairle be held in the North Monastery in March 2011 to celebrate its 200 Anniversary.

2. **MINUTES**

- (a) The minutes of Ordinary Meeting of An Chomhairle held on 27th September 2010, were considered and approved.

3. **QUESTIONS**

3.1 **ROAD OPENING LICENCES**

In response to the following question submitted by Comhairleoir S. Martin, a written reply was circulated as outlined below:-

- a) What is the procedure adopted by Cork City Council to ensure that following the granting of a road opening licence, the road or footpath is fully repaired?
 - b) Do the utilities which required the licence carry out the work or do they give funding to Council to carry out the works?
 - c) What monies did Council get from the various utilities in 2008 and 2009.
 - d) What is the cost of a road opening licence?
 - e) Who in City Council is responsible for ensuring that the re-instatements are carried out?
- (a) Two satisfactory inspections of the reinstatement are carried out by the Roads Control Division. If any issue is identified as part of either of these two inspections the defect is brought to the attention of the Applicant who is required to rectify the defect within a specified time frame.
- (b) The Utility Companies carry out the reinstatement works themselves in the majority of cases. It is only in the case of special surfaces, for example Eco-flex, that Cork City Council would undertake the works directly. The full cost of such works are borne by the utility company. An inspection process in place to ensure that all reinstatements are carried out to Cork City Council specification, all defective work is pursued with the Utility Company until satisfactory completion.
- (c) Cork City Council received €52,030 in application fees in 2008 and €40,060 for 2009 from Utilities.
- (d) There are two types of Road Opening Licence as follows:
- T3 Application (<5m²) – Application Fee of €110.00 per Licence
 - T1/T2 Application (>5m²) – Application Fee of €210.00 per Licence
- (e) The Roads Control Division of the Roads & Transportation Directorate has responsibility for ensuring the reinstatements are completed in accordance with the Directions for the Control and Management of Roadwork's in Cork City.

3.2 **AN ADDITIONAL EXIT TO MAHON**

In response to the following question submitted by Comhairleoir D. Cahill, a written reply was circulated as outlined below:-

When will the Planning Department of Cork City Council pursue the proposal to engage with the NRA in relation to adding an additional exit to Mahon? I spoke with the NRA

directly and gave my suggestion to them. They said that it had merit and would expect a call from Cork City Council. This occurred in February 2010 and to date no dialogue has taken place.

Transport proposals for the Mahon area are being looked at in the context of the Mahon Local Area Plan. Initial contact with the NRA through the first consultation stage resulted in a submission from them setting out their general views on development and transport issues in the area. The NRA have engaged external consultants to carry out a major review of the South Ring Road (SRR) including issues such as access to the SRR at Mahon and Douglas, and proposals to upgrade the Dunkettle Interchange. This study is due to be completed late next year and the NRA is unlikely to consider any new access points to the SRR before then.

Land use and transport proposals are of course closely linked and work is on-going in developing an integrated set of proposals for the area through the Local Area Plan. A wide range of transport proposals and options are being developed by the Planning, Roads & Transportation Directorates and they will shortly be assessed using traffic modeling. The results of the modeling will allow options to be further developed and prioritised and this will form the basis for further dialogue with the NRA.

3.3 **EMERGENCY PLAN IN THE EVENT OF FUTURE FLOODING**

In response to the following question submitted by Comhairleoir K. O'Flynn, a written reply was circulated as outlined below:-

- a) Has Cork City Council put in place an Emergency Plan in the event of future flooding that may threaten the City? And if so, can the Plan be circulated to Members of Council?
- b) When will works be carried out on Quay Walls in the City and when was the money from Central Government, for the necessary works to be carried out, granted?
- a) Cork City Council has a Major Emergency Plan. The management of the response to flooding is provided under the Severe Weather Plan as part of the Emergency Plan, activated in the flooding of November 2009 and during the severe weather in early 2010. The Plan is available on the City Council's website.
- b) Confirmation of funding for the works to the Quay Walls was received from the Office of Public Works in June 2010. Prequalification of main and specialist contractors has taken place and contract documents are nearing finalisation. We hope to commence on site before the end of this year and complete the works in mid 2011.

3.4 **LEASE FOR THE POD ON SOUTH MALL**

In response to the following question submitted by Comhairleoir L. McGonigle, a written reply was circulated as outlined below:-

To ask the City Manager, if any progression has been made in securing a lease for the Pod on South Mall. If so, can he provide us with the details of same.

If not, is it possible that in the interim the unit could be temporarily used to one of the Council Departments, possibly the Arts Office, to promote events etc in the City Centre.

Tenders were received this summer for the leasing of the Pod on the Grand Parade. The Law Department has now been instructed to proceed with the formalities associated with advancing the finalisation of the legal arrangements with the legal representative of the successful tenderer.

3.5 RESTORATION WORKS AT THE QUARRY, BALLYHOOLEY ROAD

In response to the following question submitted by Comhairleoir T. Brosnan, a written reply was circulated as outlined below:-

Further to my recent motion to Roads Directorate (ref 10/163) calling for the restoration of the Quarry, Ballyhooley Road, can the Manager please expedite the restoration works as the present situation is encouraging anti-social behavior. Can the Manager outline the time frame for restoration.

Restoration work is expected to be completed by the appointed Contractor at the Quarry site off Ballyhooley Road within two months, given reasonable weather conditions.

3.6 CAHERGAL LAWN, BALLYHOOLEY ROAD

In response to the following question submitted by Comhairleoir J. Kelleher, a written reply was circulated as outlined below:-

Will the Manager inform Council when the very high trees on the embankment at Cahergal Lawn, Ballyhooley Road, Dillons Cross, will be topped and trimmed?

Trees on the embankment at Cahergal Lawn received remedial pruning during 2006. Pruning was scheduled this year for early Autumn, however, this work has now been rescheduled to early November 2010. All necessary pruning including height reduction will be carried out at this stage.

3.7 COUNCILS WHO PROVIDE HOUSEHOLD REFUSE COLLECTION SYSTEMS

In response to the following question submitted by Comhairleoir C. Clancy, a written reply was circulated as outlined below:-

- a) How many Councils in the country provide a Household Refuse Collection System?
- b) What Councils are they?
- c) Of the Councils who ceased operating a Household Refuse Collection System, how many provide a waiver?
- d) Of the Councils who ceased operating a Household Refuse Collection System, is Cork County Council the only Council who have put a timeframe on how long they will continue providing waivers?

Local Authorities across the country will be surveyed so as to compile the data sought. Pending completion of this exercise, it is understood that the general position is as follows.

There are 34 City and County Councils across the country. Councils have withdrawn from the provision of waste collection services in the following 23 areas –

Limerick County
Limerick City
Clare
Donegal
Mayo
Galway County
Cavan
Laois
Roscommon
Offaly
Longford
North Tipperary
Carlow
Monaghan
Leitrim
Meath
Sligo
Wicklow
Westmeath
Kilkenny (except the Borough area)
Louth
Dun Laoghaire Rathdown
Cork County.

Of the remaining 11 Councils, only 7 could be said to have sizable waste collection operations. These are Cork City, Dublin City, Waterford City & County, Fingal, South Dublin and Galway City.

In relation to waivers it is understood that the vast majority of Councils that have ceased providing household collection services do not provide waivers. An exception to the foregoing is Limerick City & County where a limited/partial waiver scheme applies. Some private collectors have also provided waivers for a limited transitional period in circumstances where they took over former local authority operations.

3.8 **DERELICT SITE ON THE BALLINLOUGH ROAD, FORMALLY MEL MAC VIDEO SHOP**

In response to the following question submitted by Comhairleoir T. Shannon, a written reply was circulated as outlined below:-

Further to my recent motion to City Council requesting action be taken on this unsightly site, can the Manager outline to Council:

1. Has any contact been made with the owner of this site regarding its unsightly condition?
2. Will he immediately act to have this site secured and cleaned up?

3. Will he invoke the Derelict Sites Act and acquire the site in order that it can be used for the benefit of the local community i.e. the school next door?

This site was inspected on 20th January, 2010. It was found to be derelict and detracting from the area. Discussions were held with the owners on possible redevelopment of the site however these have not led to a concrete proposal or planning application so far. The required statutory notice was served on the owners and after giving them a period to respond, it was entered on the Derelict Sites Register on 6th July, 2010. The owners will now be liable to pay a levy based on a percentage of the site value. This is intended as an incentive to owners to render the site non-derelict as soon as possible. The Derelict Sites Act gives the local authority the power to acquire the site but it must compensate the owner for their interest and it is not possible for resource reasons to do this in every case. It would of course be possible for the school to engage directly with the owner if they wish to purchase the site. The Derelict Sites Act could be used to clear the title if this were an impediment to redevelopment or disposal.

3.9 **REDUCE VOLUMES OF WATER BEING WASTED THROUGH LEAKAGES**

In response to the following question submitted by Comhairleoir J. Corr, a written reply was circulated as outlined below:-

To ask the City Manager if the Department of the Environment, Heritage & Local Government have responded to the scheme sent to that Department a year ago designed to reduce the volumes of water being wasted through leakages in the city's pipe network?

The capital scheme being advanced to reduce leakage is the Watermain Rehabilitation Scheme.

In December 2009, the Department of the Environment, Heritage & Local Government (DOEHLG) wrote to Cork City Council, indicating that in general, they accepted the proposed rehabilitation strategy. The DOEHLG raised several queries relating to the scheme and these were responded to by the Council. The Council is currently compiling additional data in relation to the selection of priority areas and is also preparing a detailed budget application in accordance with DOEHLG procedures. Once DOEHLG approval is received to the scheme budget, the Council will be able to place adverts in relation to the engagement of consultant for the detailed planning/design and tender of the scheme.

The project has been included in the Water Services Investment Programme 2010 – 2012 with a scheme value of €12.2m. The WSIP also provides for the planning of a further phase of mains rehabilitation to be undertaken in the period post 2012.

3.10 **STAFF RETIREMENT OR REDUNCANCY**

In response to the following question submitted by Comhairleoir C. O'Leary, a written reply was circulated as outlined below:-

Could the Manager please make a statement to Council in relation to the staff who have either left employment due to early retirement or under redundancy package:

- a) How many staff were left go either on early retirement or redundancy package?

- b) From which section or department in City Council were these staff lost from?
- c) How much was paid out under redundancy or early retirement schemes?
- d) How many were re-employed since taking up redundancy or early retirement schemes?
- e) Have any of these former employees been employed through contract services or employers, if so, how many and for how long?

a. The Council has lost 138 Staff in recent times. That figure is made up of

Retirements:	77.
Incentivised Scheme of Early Retirement (ISER)	12.
Incentivised Career break Scheme	19.
Termination of Contracts.	32.
Total	138

b. These numbers were from the following Directorates/Departments:

City Architects	9
Community + Enterprise.	1
Corporate Affairs	7
Docklands	0
Environment.	24
Finance	8
Housing	27
Information Systems	1
Law	1
Personnel	3
Planning	4
RAC	31
Roads + Transportation	22
	138

- c. The costs of the ISER and ICR was :€412,875.
- d. No one who was made redundant or who availed of the ISER or ICB Schemes were re-employed in any capacity.
- e. The Council is not aware of any former employees being engaged by third parties contracted to the Council. This is however possible and the Council would not be aware of the identity and personal details of all of its contractors employees.

3.11 **PROGRAMME FOR CLEARING BLOCKED DRAINS**

In response to the following question submitted by Comhairleoir M. Finn, a written reply was circulated as outlined below:-

Mindful of the additional problems that blocked drains caused during last November's flooding, could the Manager outline the programme for clearing this year and can he confirm that areas worst affected (such as the Marsh) will be prioritised this autumn?

The gullies within the City are maintained/ cleaned on a programmed basis. Certain areas within the city which are prone to flooding have been identified as "hotspots" and these hotspots are checked on a regular basis during the autumn (when trees are shedding their leaves), during the winter and when very heavy rainfall is forecast.

3.12 **MONEY SPENT ON BONUSES AND OVERTIME**

In response to the following question submitted by Comhairleoir G. Gibbons, a written reply was circulated as outlined below:-

Could the City Manager please tell the Members how much money was spent on bonuses and overtime in the months of January through to June 2010?

How many jobs were reduced in the same period, and how much money was spent on consultants during the same period?

- There was no money spent on bonuses to any staff during the period in question
- The total amount spent on overtime during the period January to June 2010 was €2.3m. This represents approximately 5% of total payroll and is predominately incurred in frontline services including Emergency Water and Drainage Works, Street Sweeping, Refuse Collection, Roads Maintenance and Parks. The necessity for overtime is continuously reviewed and overall overtime has been reduced by 33% over the past two years.
- The total reduction in jobs in the period in question was 37, bringing the total reduction to 138 since the introduction of the moratorium on staff recruitment.
- The total amount spent on consultants during the same period was €2.1m. Of this over €2m relates to specialised professional services on major capital schemes

3.13 **BIN TRUCKS ON THE ROAD**

In response to the following question submitted by Comhairleoir M. Barry, a written reply was circulated as outlined below:-

Can the Manager please inform Council as to any recent changes either implemented or planned relating to the number of bin trucks the Council puts out on the road?

In mid 2008 the number of refuse crews was reduced from ten to eight.

Discussions are currently taking place with staff and their representatives in relation to the number of crews required having regard to the reduced number of households availing of the Council's waste collection service.

Due to ongoing competition/market fragmentation the number of domestic customers has declined and currently stands at circa 26,000.

3.14 NEW LITTER BINS IN BLACKROCK VILLAGE

In response to the following question submitted by Comhairleoir D. O'Flynn, a written reply was circulated as outlined below:-

Will the Manager please let me know when the new litter bins will be put in place in Blackrock Village as agreed some months ago?

There is one existing litter bin in Blackrock Village which is located adjacent to the Bring Site.

Two additional litter bins will be installed on the Blackrock Road before the end of December 2010.

3.15 REMEDIAL MEASURES TO MINIMISE THE RISK OF FUTURE FLOODING

In response to the following question submitted by Comhairleoir J. Buttimer, a written reply was circulated as outlined below:-

Can the City Manager indicate what remedial measures have been put in place since the flooding of November 2009 to minimise the risk of future flooding, the costs of such works, the funding source for such works and what reassurances can he provide the residents of Western Road, the Mardyke and the Marsh areas that the impact of any future flooding will be minimised by such works and can he also indicate if new processes of communication have been put in place between Cork City Council and other relevant stakeholders e.g., Cork County Council, Met Eireann and the ESB for early flood alert and warning systems?

As members will be aware the OPW is currently addressing the issue of flood risk through the Cframes process. Earlier this year the OPW published the Draft Lee Cframes report after four years of research. The report sets out a preferred option to deal with fluvial flooding based on

- (a) revised procedures for the operation of Carrigadrohid and Inniscarra Dams with enhanced focus on downstream flood risk management coupled with
- (b) localised flood protection works to provide additional flood protection.

The OPW have expressed confidence in the expectation that this option will provide a robust and relatively speedy response to flood risk management and, a very significant reduction in flood risk. Accordingly they are proceeding with the implementation of this option on a "no regrets" basis pending the outcome of the Lee Cframes consultation process. A steering group has been established to assist in the process with representatives of the OPW, County Council, City Council and ESB.

In order to accelerate implementation of the preferred option the OPW are in the process of selecting a consultant to undertake a staged implementation of the measures through design

planning and construction. The hydraulic model prepared under the Lee Cframs project has been validated having regard to the data gathered as a result of the November flood and arrangements are now being made to recalibrate the model as necessary. This will enable the modeling of discharge scenarios be undertaken so as to assess flood risk and the potential for risk mitigation. In parallel, arrangements are being made to determine the properties that may require protection to facilitate greater discharges from Inniscarra Dam without causing flooding of properties.

In relation to flood forecasting and warning the OPW are currently undertaking a strategic national review and the related report and recommendations are expected to be delivered in 2011. In addition, a scoping report is being prepared by OPW in relation to the development of a fluvial and integrated fluvial – tidal forecasting system for Cork. The OPW is also testing the Cork Harbour flood forecasting system on an ongoing basis.

Since the flooding in November 2009, a number of meetings have been held between relevant stakeholders and the ESB, under the auspices of the Regional Working Group of the Major Emergency Planning Framework. The ESB and Met Eireann also participated fully in a recent Major Emergency Planning Regional Steering Group Flooding Workshop. Arising from these, the ESB is an integral part of a new system of communication with the City Council and other Response Agencies to govern future flood alert warnings. This communication system addresses communications to the public, roles and responsibilities of the Response Agencies and activation of the communications protocol, alerts and responses.

SUSPENSION OF STANDING ORDERS

On the proposal of Comhairleoir L. Kingston, seconded by Comhairleoir C. Clancy, a vote was called for to suspend Standing Orders to discuss the flooding that took place in the City on Friday 8th October.

A vote was called for where there appeared as follows:-

FOR: Comhairleoirí J. Kelleher, D. Murphy, T. Brosnan, T. Tynan, M. Barry, C. Clancy, P. Gosch, K. O’Flynn, T. Gould, J. O’Brien, M. O’Connell, T. Fitzgerald, D. Cahill, L. McGonigle, D. O’Flynn, T. Shannon, C. O’Leary, K. McCarthy, J. Corr, L. Kingston, E. O’Halloran, M. Finn, F. Kerins, J. Buttimer, M. Ahern, B. Bermingham, H. Cremin, G. Gibbons.(28)

AGAINST: Comhairleoir S. Martin.(1)

An tArd-Mhéara declared the vote carried and An Chomhairle agreed to suspend Standing Orders at the end of the meeting to discuss the flooding issues of Friday 8th October.

4. **ITEM FROM MEETINGS OF AN CHOMHAIRLE HELD ON 13th SEPTEMBER & 27th SEPTEMBER 2010**

AMEND STANDING ORDERS

‘It is rightly accepted in society that discrimination of any form is no longer acceptable.

There is a particular responsibility on elected members at every level to ensure that discrimination does not occur at any level in our country. With this in mind I propose that one of the last forms of discrimination that occurs at local authority level be consigned to history where it belongs.

I propose that Cork City Council standing orders be amended to allow for an independent councillor to transfer his or her seat to a person of their choice as is the case with political parties.’

(Proposer: Cllr. D. McCarthy 10/257)

The above motion was moved by Comhairleoir J. O’Brien on behalf of Comhairleoir D. McCarthy and duly seconded by An tArdmhéara, Comhairleoir M. O’Connell at the meeting of an Chomhairle held on 13th September and deferred at the meeting of An Chomhairle held on 27th September, and stood adjourned to this meeting of An Chomhairle.

Noting that Comhairleoir D. McCarthy was not in attendance, on the proposal of An tArdmhéara, Comhairleoir M. O’Connell, seconded by Comhairleoir J. O’Brien, a vote was called for on the approval of the motion where there appeared as follows:-

FOR: Comhairleoirí T. Brosnan, T. Tynan, M. Barry, K. O’Flynn, T. Gould, J. O’Brien, T. Fitzgerald, C. O’Leary, M. Finn, F. Kerins, H. Cremin.(11)

AGAINST: Comhairleoirí J. Kelleher, D. Murphy, C. Clancy, P. Gosch, M. O’Connell, D. Cahill, L. McGonigle, D. O’Flynn, T. Shannon, K. McCarthy, J. Corr, L. Kingston, E. O’Halloran, S. Martin, J. Buttimer, M. Ahern, B. Bermingham, G. Gibbons.(18)

An tArd-Mhéara declared the vote defeated and the motion rejected.

5. **AFFORDABLE HOUSING PROPERTY DISPOSALS**

An Chomhairle considered the report of the Director of Services, Housing & Community dated 7th October 2010, on the following Disposal:-

- a) Disposal of unit No. 37, Ard Na Rí, Banduff, Cork to Affordable Housing applicant under the Affordable Housing Scheme. On the proposal of Comhairleoir S. Martin, seconded by Comhairleoir J. Corr the disposal was approved.

6. **CORPORATE POLICY GROUP – 27th SEPTEMBER 2010**

6.1 **FINANCIAL STATEMENT TO 31ST AUGUST 2010**

An Chomhairle approved the Financial Statement to 31st August 2010.

6.2 **STATUTORY AUDIT REPORT OF THE LOCAL GOVERNMENT AUDITOR FOR THE YEAR ENDED 31ST DECEMBER 2009**

An Chomhairle noted the Statutory Audit Report of the Local Government Auditor.

7. **DOCKLANDS POLICY COMMITTEE - 27th SEPTEMBER 2010**

7.1 **PUBLIC REALM**

An Chomhairle noted the update which was given on the current status of the Public Realm project, currently at draft masterplan stage.

7.2 **PROGRESS REPORT**

An Chomhairle noted the update which was provided on various projects as follows:

- Templeford: decision due next week.
- Topaz – Requested Further Information has been submitted.
- Spine Road and Bridges – Notice to Treat is to be served within 18 months.
- The Gateway Innovation Fund (GIF) is to be reactivated in 2012. New GIF process to be agreed this autumn. Cork City Council may have to resubmit their application. Costs for the Eastern Gateway Bridge are estimated to have reduced considerably, from €80million to €60million approx., since last application for funding.

8. **ENVIRONMENT STRATEGIC POLICY COMMITTEE - 4th OCTOBER 2010**

8.1 **CORK CITY COUNCIL ANNUAL RECYCLING REPORT**

An Chomhairle considered and approved the Cork City Council Annual Recycling report.

8.2 **RECENT DEVELOPMENTS ON WASTE POLICY AND PRACTICE.**

An Chomhairle noted the following documents:-

- 1) Draft Statement of Waste Policy
- 2) Waste Management (Household Food Waste Collection) Regulations 2010
- 3) Section 60 Policy Direction

8.3 **EDUCATION PROGRAMME ON DOG FOULING**

An Chomhairle considered and approved the report of the Director of Services, Environment on the following motion which was referred to the Committee by An Chomhairle:-

‘That Cork City Council investigate the concept of an education programme in relation to dog fouling for all city national primary schools.

(Proposer Cllr. S. Martin 10/181)

The report of the Director of Services stated that waste operations will draw up an appropriate information/guidance leaflet on dog fouling. This will be issued to all City national primary schools. It will also be circulated to students and teachers via the Lifetime Lab education and awareness programmes.

9. **ENVIRONMENT FUNCTIONAL COMMITTEE – 27th SEPTEMBER 2010**

9.1 **WATER, SANITARY AND OTHER SCHEMES**

An Chomhairle considered and approved the report of Director of Services on Water, Sanitary and other Schemes for the Year to 31st August 2010.

9.2 **ENVIRONMENTAL MATTERS**

An Chomhairle considered and approved the report of Director of Services on Environmental Matters for the year to the 31st August 2010.

9.3 **CLEAN UP RESIDENTIAL LANEWAY OFF LOWER TOWER STREET**

An Chomhairle considered and approved the report of the Director of Services Environment on the following motion which was referred to /committee by An Chomhairle:-

‘That Cork City Council acts to clean up an unused residential laneway off Lower Tower Street that was gated to close, to offset anti-social behavior and is now being used to dump rubbish and also moves to clean up an unsightly and foul smelling disused site near Cat Lane, both of which are causing environmental problems for locals and passers by’

(Proposer: Cllr. M. Finn 10/200)

The report of the Director of Services stated that the gated laneway between 4 and 5 Tower Street is private property and is the responsibility of the owner to keep clean. The laneway was inspected on the 20th September 2010 and no litter was observed.

The site at Cat Lane opposite 48 Tower Street is not in the ownership of Cork City Council. A notice under section 9 of the 1997 Litter Pollution Act, requiring the owner of the site to clean and keep it clean, will be served on the owner of this site once the ownership of the site has been established.

10. **PLANNING & DEVELOPMENT FUNCTIONAL COMMITTEE – 27th SEPTEMBER 2010**

10.1 **INTERNATIONAL RELATIONS COMMITTEE**

10.1.1 **FUNDING ASSISTANCE**

CORK JAZZ FESTIVAL

On the proposal of Comhairleoir B. Bermingham, seconded by Comhairleoir J. Kelleher, An Chomhairle considered and approved the recommendation from the International Relations Committee that further financial assistance of €1000 be made to the Cork Jazz Festival for forthcoming visit from Cologne Jazzhaus Schule to perform at the Cork Jazz festival.

10.1.2 **MUNSTER LITERATURE CENTRE**

On the proposal of Comhairleoir J. Corr, seconded by Comhairleoir D. Murphy, An Chomhairle considered and approved the recommendation from the International Relations Committee that further financial assistance of €1,500 be made to the Munster Literature Centre towards their forthcoming visit to the Litquake Literary Festival in San Francisco.

10.1.3 **BLACKROCK CASTLE OBSERVATORY- WEB OF STARS PROJECT**

On the proposal of Comhairleoir D. O’Flynn, seconded by Comhairleoir J. Corr, An Chomhairle considered and approved the recommendation from the International Relations Committee that financial assistance of €6,000 be made to the Blackrock Castle Observatory to continue the Web of Stars project from pilot stage to Active programme April 2010/May 2011.

10.2 **RENNES FAIR 2011**

An Chomhairle considered the recommendation from the International Relations Committee that Cork City Council take part in principle in the Rennes Fair 2011.

On the proposal of Comhairleoir C. O’Leary, seconded by Comhairleoir J. O’Brien, An Chomhairle agreed to approve the recommendation of the International Relations Committee with the following amendment:-

“The Committee agreed to recommend to An Chomhairle that Cork City Council agree in principle, subject to funding to take part in the Rennes Fair 2011.”

10.3 **HOUSING ESTATES**

An Chomhairle considered and approved the report of the Director of Services, Planning & Development dated 17th September, 2010 on Housing Estates for period 1st January to 31 August, 2010.

10.4 **PLANNING STATISTICS**

An Chomhairle considered and approved the report of the Director of Services, Planning & Development dated 17th September, 2010 on the number of planning applications determined & deferred from 1st January to 31st August, 2010.

The Senior Planner, Planning & Development outlined to the Committee some of the major planning applications currently under consideration.

He also informed the Committee that planning application T.P. No: 10/34447 from the Cork Muslim Society has been advertised as a material contravention and would be before Council in approximately 4 weeks for decision.

10.5 **ENFORCEMENT STATISTICS**

An Chomhairle considered and approved the report of the Director of Services, Planning & Development dated 17th September, 2010 on Planning Enforcement Statistics for period 1st January to 31st August, 2010.

10.6 **TAKING IN CHARGE POLICY**

An Chomhairle considered and approved the report of the Director of Services, Planning & Development dated 17th September, 2010 on Cork City Council's policy regarding the Taking in Charge of Residential Developments.

10.7 **DENNEHY'S CROSS CAR SALES**

An Chomhairle considered and approved the report of the Director of Services, Planning & Development dated 17th September 2010, on the following motion which was referred to committee by An Chomhairle:-

‘That this Council agree to approach the Developers/Owners of that piece of ground formally known as the Dennehy's Cross Car Sales Depot on the Model Farm Road with a view of taking it into the City Councils ownership for free or at a nominal cost as a contribution by the Developer to Cork and the Local Community as an attractive urban park resulting in exposing a clear vista of the Church of the Decent of the Real Spirit and facilitating residents, workers and others to an island of peace and tranquility in an otherwise extremely busy noisy junction’.

(Proposer: Cllr. B. Bermingham 10/242)

The report of the Director of Services stated that permission was granted by An Bord Pleanála in April 2008 for the redevelopment of the site comprising of Dennehy's Cross Garage, the former Dennehy's Cross Post Office and all ancillary structures at Dennehy's Cross, Model Farm Road, Cork. The proposal includes the demolition of all existing structures to facilitate the development of a showroom and residential units (T.P.06/31142 / PL 28.220376). This planning permission provides for the widening of Model Farm Road by the setting back of the building line by a distance up to 1.5 metres to allow for the insertion of on-street car parking and a 3 metres footpath with street trees.

Dennehy's Cross currently benefits from a "Local Centres" zoning objective in the *City Plan 2009-2015*, which relates to the sites at all four corners of the cross. The primary purpose of this objective is to provide for local services to meet the needs of the surrounding area, including convenience retail provision (please refer to *ZO11: Local Centres* at page 223 and Map 10 of the development plan). The *Bishopstown & Wilton Area Action Plan 2007* amplifies this objective and has specific objectives for the site that seeks the development of the site to provide for local services, family housing, a public space along Model Farm Road (please refer to page 92 of the *AAP*).

The provision of an attractive urban park in this location does not conform with the strategic planning framework for this site, and is not considered appropriate as an alternative use of the whole site for this reason. In addition, the site would not be considered a natural location for a park given its location at this busy junction. The provision of a park across the whole site would also require site acquisition by Cork City Council at considerable expense.

In light of the planning policy context and the existing planning permission on the site it is therefore considered inappropriate to seek the provision of a public space on the site.

10.8 **OLD BAKERY SITE ON TRAMORE ROAD**

An Chomhairle considered and approved the report of the Director of Services, Planning & Development dated 17th September 2010, on the following motion which was referred to committee by An Chomhairle:-

‘That Cork City Council would engage with the owners of the old bakery site on Tramore Road with a view to addressing local residents concerns regarding the current state of the site as it is becoming derelict and a location for anti-social behaviour.’

(Proposer: Cllr. J. Buttimer 10/229)

The report of the Director of Services stated that planning permission for the redevelopment of this site was granted by Cork City Council on 16th October, 2006 and confirmed by An Bord Pleanála 28th May, 2007. A subsequent application amending this development was granted on 17th January, 2008. A condition of the permission requires agreement with regard to Part V of the Planning and Development Act 2000.

However this development has not yet commenced and it is noted that the developer has until 19th February, 2013 to complete same. Cork City Council Housing & Community Directorate had been in negotiations with Frinailla Limited/Frinailla Developments Limited, with a view to finalising an agreement for the provision of affordable housing units on the site, in order to secure their compliance with the relevant Part V Planning Condition on the development & their Part V obligations on a number of their residential developments within Cork City.

Contact will be made with the owners/developers of the site in respect of the concerns raised in the Motion.

11. **CORRESPONDENCE**

An Chomhairle noted correspondence from the following:-

- A Memorial Card from the Family of the late David Gerald O'Flynn.

12. **CONFERENCE/ SEMINAR SUMMARIES**

An Chomhairle noted the following summaries by Members of Conferences/Seminars attended:-

- Cllr. Kenneth O'Flynn – *The Insurance Salesman's presentation Skills, Performance Management and Development for the Elected Representative* - 17/19 Sept 2010 – Galway.
- Cllr Kenneth O'Flynn – *Planning Applications Professional Indemnity The Essential guide for Public Representatives* 24/26 Sept 2010 – Galway.
- Cllr Sean Martin –*AMAI - 97th Annual Conference* –9/11 September 2010 –Buncrana, Co. Donegal.
- Cllr Sean Martin - *La Touche Legacy Seminar 'Local Democracy – in Changing Times'*–01/03 October 2010-Greystones, Co. Wicklow.
- Cllr. Terry Shannon – *La Touche Legacy Seminar 'Local Democracy – in Changing Times'*–01/03 October 2010-Greystones, Co. Wicklow.
- Cllr. Michael Ahern –*AMAI - 97th Annual Conference* –9/11 September 2010 –Buncrana, Co. Donegal.
- Cllr. Tony Fitzgerald – *The Insurance Salesman's presentation Skills, Performance Management and Development for the Elected Representative* - 17/19 Sept 2010 – Galway.
- Cllr Ger Gibbons – *Planning Applications Professional Indemnity The Essential guide for Public Representatives* 24/26 Sept 2010 – Galway.
- An tArdmhéara Michael O'Connell – Combating Extreme Poverty Policies; an instrument at Local Level - 2/6 Oct 2010 – Sardinia.

SEMINARS & CONFERENCES(ITEMS 11 & 12)

On the proposal of Comhairleoir J. O' Brien, seconded by Comhairleoir C. O'Leary, a vote was called on whether to approve the attendance of the Councillors listed at Agenda Items 13 & 14 and also tabled on the night, for the various seminars & conferences listed below, where there appeared as follows:-

FOR: Comhairleoirí J. Kelleher, D. Murphy, C. Clancy, K. O'Flynn, M. O'Connell, T. Fitzgerald, D. O'Flynn, T. Shannon, J. Corr, L. Kingston, E. O'Halloran, S. Martin, J. Buttimer, M. Ahern, B. Bermingham, G. Gibbons. (16)

AGAINST: Comhairleoirí T. Tynan, T. Gould, J. O'Brien, D. Cahill, C. O'Leary, K. McCarthy, M. Finn, K. Kerins, H. Cremin. (9)

ABSTAINED: Comhairleoir M. Barry (1)

As the numbers voting in favour exceeded those voting against, An tArdmhéara declared the vote carried and the attendance of the Comhairleoirí at the various seminars & conferences approved, as listed hereunder:-

13. **SEMINARS**

13.1 **THE INSURANCE SALESMAN'S PRESENTATION SKILLS**

Comhairleoir T. Fitzgerald at "The Insurance Salesman's Presentation Skills" training seminar, held in the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway, 17th – 19th September 2010.

13.2 **PLANNING APPLICATIONS SEMINAR: "PROFESSIONAL INDEMNITY, THE ESSENTIAL GUIDE FOR PUBLIC REPRESENTATIVES"**

Comhairleoirí P. Gosch and B. Bermingham at the Planning Applications Training Seminar: "Professional Indemnity, The Essential Guide for Public Representatives", held in the Glenlo Abbey Hotel, Bushypark, Co. Galway on the 24th – 26th September 2010.

13.3 **LA TOUCHE LEGACY SEMINAR "LOCAL DEMOCRACY IN CHANGING TIMES"**

Comhairleoirí T. Shannon and S. Martin at the La Touche Legacy Seminar "Local Democracy in Changing Times", held in the Charlesland Golf and Country Club Hotel, Greystones, Co. Wicklow, on the 1st – 3rd October 2010.

13.4 **REPORT OF THE LOCAL GOVERNMENT EFFICIENCY REVIEW GROUP**

Comhairleoir B. Bermingham at the "Local Government Efficiency Review Group" training seminar held in Whites Hotel, Wexford, on the 1st – 3rd October 2010.

13.5 **LAMA AUTUMN SEMINAR "LOCAL GOVERNMENT – EFFICIENCY AND FINANCING"**

Comhairleoir K. O'Flynn at the LAMA Autumn Seminar "Local Government – Efficiency and Financing" held in Listowel Arms Hotel, Listowel, Co. Kerry on the 8th – 9th October 2010.

13.6 **TRAINING SEMINAR – "ALTERNATIVE ENERGY; COMPETING WITH THE REST OF EUROPE"**

Comhairleoirí E. O'Halloran & D. Murphy at the Training Seminar – "Alternative Energy; Competing with the rest of Europe" to be held in The Glenroyal Hotel, Straffen Road, Maynooth, Co. Kildare on the 22nd – 24th October 2010.

13.7 **TRAINING SEMINAR "RADON; A HIDDEN KILLER"**

Comhairleoir T. Brosnan at the Training Seminar – "Radon; a hidden killer" to be held in Manor West Hotel, Killarney, Tralee, Co. Kerry on the 12th – 14th November 2010.

13.8 **ICSH FINANCE SEMINAR 2010 – “FINANCIAL MANAGEMENT IN A CHANGING ENVIRONMENT”**

Comhairleoirí J. Kelleher & E. O’Halloran at the ICSH Finance Seminar 2001, “Financial Management in a Changing Environment”, to be held in Kilkenny Ormonde Hotel, Co. Kilkenny, on the 18th – 19th November 2010.

14. **CONFERENCES**

14.1 **97TH ANNUAL AMAI CONFERENCE**

Comhairleoir S. Martin at the 97th Annual AMAI Conference, held in the Inishowen Gateway Hotel, Buncrana, Inishowen, Co. Donegal, on the 9th – 11th September 2010.

14.2 **THE CORK CONVENTION BUREAU NETWORKING EVENT**

An tArdmhéara, Comhairleoir M. O’Connell at the Cork Convention Bureau Networking Event, to be held in London, on the 19th – 20th October 2010.

14.3 **FACE BOOK FOR COUNCILLORS, A BUSINESS PERSPECTIVE**

Comhairleoirí T. Fitzgerald & J. Kelleher at the Face book for Councillors, A business Perspective, to be held in the Killarney Heights Hotel, Killarney on the 22nd - 24th October 2010.

14.4 **A NATIONAL TOURISM CONFERENCE – “ACHIEVING WORLD CLASS TOURISM”**

Comhairleoir J. Kelleher at the A National Tourism Conference – “Achieving World Class Tourism”, to be held in Falls Hotel, Ennistymon, Co. Clare on the 25th – 27th November 2010.

14.5 **WUXI INTERNATIONAL SISTER CITIES FORUM**

Comhairleoir S. Martin at the 5th WUXI International Sister Cities Forum – Urban Development Ushered in by Technological Innovation to be held in Wuxi, China on the 17th 21st October 2010.

SUSPENSION OF STANDING ORDERS

On the proposal of Comhairleoir S. Martin, seconded by Comhairleoir J. Kelleher, An Chomhairle agreed to suspend Standing Orders to allow the meeting to continue after 8.00 p.m.

15. **MOTIONS**

An Chomhairle approved the referral of the following motions to the relevant committees:-

15.1 **AUTOMATIC GATES WITH REMOTE CONTROL AT DISTILLERY COURT, BLACKPOOL**

‘That Cork City Council would install automatic gates with remote control for each resident at the entry of Distillery Court, Blackpool.’

(Proposer: Cllr. K. O’Flynn 10/254)

Housing & Community Functional Committee

15.2 **SCULPTURE OF CORK SHAWLIES FOR CORNMARKE STREET**

‘That a sculpture be commissioned at Cornmarket Street to honour the memory of the traditional Cork shawlies and the dealers who worked on the Coal Quay and to acknowledge their unique contribution to the history, culture and heritage of Cork for many generations.

b) That the public of Cork City be invited to submit designs for the sculpture.’

(Proposer: Cllr. K. O’Flynn 10/269)

Party Whips

15.3 **INSTALL PEDESTRIAN CROSSING AT EXIT FROM ASHWOOD TO THE RINGMAHON ROAD**

‘That Cork City Council would assess the exit from Ashwood to the Ringmahon Road with a view to installing a pedestrian crossing given the significantly increased traffic flow here as a result of the new retail area located nearby.’

(Proposer: Cllr. L. McGonigle 10/284)

Roads & Transportation Functional Committee

15.4 **FORUM FOR YOUTH CAFES IN CITY**

‘That the Director of Community and Enterprise would organise and facilitate a forum for bringing together youth cafés across the city so as to ensure common guidelines and best practice in this area.’

(Proposer: Cllr. J. Buttimer 10/290)

Corporate Policy Group

15.5 **RENEWAL AND REGENERATION PLAN FOR PARK OWEN**

‘That Cork City Council carry out a renewal and regeneration plan for Park Owen the plan to include:-

1. Landscaping of green and open spaces
2. Enhancement of the public realm
3. Road and Path renewal
4. Reconstruction of public light
5. Infill housing on waste ground.’

(Proposer: Cllr. S. Martin 10/291)

Housing & Community Functional Committee

15.6 **SURVEY OF PUBLIC LIGHTING AT DEERPARK & ROSSBARRA**

‘That Cork City Council carry out a survey of the public lighting installation at Deerpark and Rossbarra. The need for additional public lights, or the upgrading of existing lamps to be reported to South Central Ward meeting in 2011, where a discussion and decision can be taken to enhance the quality of the public lights based on the report.’

(Proposer: Cllr. S. Martin 10/292)

Roads & Transportation Functional Committee

15.7 **DOUBLE YELLOW LINES AT CHERRINGTON, ON CHURCHYARD LANE**

‘That Cork City Council would paint double yellow lines at the entrance to Cherrington on Churchyard Lane (across from Cork Constitution), to assist people access their homes in the estate during match days and improve their sight lines, on what is a very busy road.’

(Proposer: Cllr. L. McGonigle 10/295)

Roads & Transportation Functional Committee

15.8 **THE TARRY PATCH – INFILL HOUSING**

‘That the area known as “the Tarry Patch” to the rear of Mount Brosna, Avonmore Park and Glenamoy Lawn, Mayfield is considered for infill housing and that Cork City Council would make a special appeal for funds to the Department of the Environment for this purpose.

The area in question has long been used for indiscriminate dumping and has been subject to anti-social behaviour and while the City Council and its staff are to be congratulated for the recent clean-up of the area and ongoing vigilance by the Litter Wardens, this area of open space will continue to attract such problems until something is done to occupy the space.’

(Proposer: Cllr. T. Tynan 10/297)

Housing & Community Functional Committee

15.9 **RELIGIOUS INCLUSION - VEC**

‘That Cork City Council resolves to continue its policy of religious inclusion when nominating members of City of Cork Vocational Education Committee.’

(Proposer: Cllr. T. Brosnan 10/299)

Corporate Policy Group

15.10 **PLANTING CAMPAIGN**

‘That Cork City Council would embark on a major planting campaign with a view to enhancing the excellent work of the Parks Department and that Residents Associations wishing to carry out such work in their estates be assisted through provision of bulbs and some best practice advice.’

(Proposer: Cllr. T. Brosnan 10/300)

Recreation Amenity & Culture Functional Committee

15.11 **ILLEGAL PARKING OF VEHICLES ON FOOTPATHS**

‘In light of the Barcelona Convention and the broad agenda to socially include all sections of society, that Cork City Council implement and develop a regime or action plan to tackle the illegal parking of vehicles on footpaths in view of the serious difficulty it causes to people using the footpaths including the elderly, wheel chair users, pram users and other members of the public who might suffer any disability.’

(Proposer: Cllr. G. Gibbons 10/301)

Roads & Transportation Strategic Policy Committee

15.12 **RELOCATE MUNICIPAL MUSEUM TO THE BEAMISH & CRAWFORD SITE**

‘That Cork City Council explores the possibility of relocating the municipal museum to the Beamish & Crawford site, incorporating a new sports and heritage museum.’

(Proposer: Cllr. M. Finn 10/302)

Planning & Development Strategic Policy Committee

15.13 **CLEANUP AND MAINTENANCE OF STREAM BETWEEN CLASHDUV ESTATE AND GLENDALE GROVE**

‘That Cork City Council would undertake the cleaning and maintenance of the stream between Clashduv Estate and Glendale Grove.’

(Proposer: Cllr. J. Buttimer 10/303)

Environment Functional Committee

15.14 **ROAD RESURFACING PROGRAMME 2011**

‘That the Cul de Sac that incorporates houses no 17 to 27 The Drive, Curraheen Estate, be included in the re-surfacing programme for 2011, and that remedial work be carried out in the interim period outside houses no. 21 The Drive, Curraheen Estate.’

(Proposer: Cllr. H. Cremin 10/305)

Roads & Transportation Functional Committee

15.15 **STATUE, PLAQUE OR MONUMENT AT CORNMARKE STREET FOR ‘SHAWLIES’**

‘That Cork City Council supports the motion that a statue, plaque, or monument of some type be erected at Cornmarket Street to honour the memory of the traditional Cork ‘Shawlies’ and of the generations of street-traders who worked there and at the nearby Coal Quay, and to acknowledge their unique contribution to the history, culture and heritage of Cork.’

(Proposer: Cllr. H. Cremin 10/306)

Party Whips

16. **MOTIONS**

An Chomhairle considered the following motion:-

16.1 **CONTRACTS WITH VEOLIA**

‘Cork City Council recognising

1. That Veolia is a leading partner in the consortium contracted to build a light railway system linking Israel to illegal settlements in occupied East Jerusalem.
2. That the Irish government and the U.N. does not recognise Israel's annexation and occupation of East Jerusalem and have repeatedly stated their views that the Israeli settlements in East Jerusalem and the West Bank contravene international law.
3. That Veolia's involvement in the project is in contravention of the U.N.'s stated demand that Israeli settlement activities and occupation should not be supported.

This Council calls on the City Manager not to sign any new or renew any existing contracts with Veolia as it would be in contravention of the wishes of this Council.’

(Proposer: Cllr. T. Tynan 10/296)

On the proposal of Comhairleoir M. Ahern, seconded by Comhairleoir D. Murphy, a vote was called for on the following amendment to the motion:-

“This Council calls on the City Manager not to sign in so far as is legally possible, any new or renew any existing contracts with Veolia as it would be in contravention of the wishes of this Council.”

where there appeared as follows:-

FOR: Comhairleoirí J. Kelleher, D. Murphy, C. Clancy, M. O'Connell, T. Fitzgerald, J. Corr, L. Kingston, E. O'Halloran, J. Buttimer, M. Ahern, G. Gibbons.(11)

AGAINST: Comhairleoirí T. Tynan, M. Barry, K. O'Flynn, T. Gould, J. O'Brien, D. Cahill, D. O'Flynn, T. Shannon, C. O'Leary, K. McCarthy, S. Martin, M. Finn, F. Kerins, H. Cremin.(14)

An tArd-Mhéara declared the vote defeated and the amendment to the motion rejected.

On the proposal of Comhairleoir T. Tynan, seconded by Comhairleoir S. Martin, a vote was called for on the approval of the motion where there appeared as follows:-

FOR: Comhairleoirí J. Kelleher, D. Murphy, T. Tynan, M. Barry, C. Clancy, K. O'Flynn, T. Gould, J. O'Brien, M. O'Connell, T. Fitzgerald, D. Cahill, D. O'Flynn, C. O'Leary, K. McCarthy, J. Corr, L. Kingston, E. O'Halloran, S. Martin, M. Finn, F. Kerins, J. Buttimer, H. Cremin, G. Gibbons.(23)

AGAINST: Comhairleoir T. Shannon.(1)

ABSTAIN: Comhairleoir M. Ahern.(1)

An tArd-Mhéara declared the vote carried and the motion approved.

SUSPENSION OF STANDING ORDERS

FLOODING – 9th OCTOBER 2010

An Chomhairle suspended standing orders to discuss the flooding issues arising from Friday 8th October. A number of issues were raised by Members which were responded to by the City Manager.

This concluded the business of the meeting

ARDMHÉARA
CATHAOIRLEACH